Commerce among the States would have, to be found a reason for a new committee Why divide the labor of the one between two committees? He had never un-derstood that the Committee on Commerce was a very hard-working committee. He did not believe they worked as hard as some others, though he admitted it had been a very able and faithful committee—doing all that belonged to it. Why
then, he repeated, raise two committees to do the work which
had been conveniently done by one? The Committee of Commerce had already been constituted, in accordance with the old rule, by the Speaker; and, for one, he was willing to trust that committee-and he would here take occasion to avow that he was as strongly in favor of internal improvements, as they were called, as any other gentleman, and he represented they were cance, as any oner generating a constituency which was deeply interested in them, and which was not troubled with such scruples as those which were entertained by the gentleman from South Carolina, (Mr. REET.) He feared the effect of raising this new committee.
The commerce among the States was justly entitled to as much consideration as commerce with foreign nations. It was their duty to promote both. The commerce between the States and Canada was immense. And he would beg leave to suggest to the friends of this measure that they should need especially while the present Executive was spared to themunited force of the friends of commerce among the States and commerce with foreign nations, and he sho or of appearing to divide them. He believed the existing or or appearing to divide them. He believed the existing committee competent to discharge its duties, and it was the safer policy to leave that committee unchanged. He had no desire to dodge the question; but he thought it inexpedient to put a weapon into the hands of the opponents of internal improvements—especially such a weapon as the gentleman from South Carolina had shown a disposition to use, when he had South Carolina had shown a disposition to use, when he had indicated his conviction that in this movement was involved a spice of abolition. He knew they asked for appropriations for internal improvements because they wanted to benefit for internal improvements because they wanted to benefit commerce; and he knew they derived the power to make appropriations for such purposes from the same clause from which they derived their power to appropriate money for the promo-tion of foreign commerce. But he believed they should make a stronger stand when they confided all these interests to one committee than when they apportioned them between several; for it was as true now as it ever was, "divide and

conquer."
Mr. BEDINGER desired to give a few reasons for which he should cast his vote against the resolution of the gentle-man from Ohio, (Mr. VINTON.) He believed it to be impolitic and inexpedient, if not positively dangerous. He might be accussed, with those who oppose this resolution, of being too cautious; but they were sent here to be both cautious and vigilant, especially when such resolutions were presented for their consideration; and he confessed that he was pleased with the prompt and vigilant manner in which this matter on Thursday last, and with the effort that gentle man had made this day in its opposition. It was better to be cautious than rash, and his short experience, aided by the experience of those who were older and wiser than himself, had taught him that the greatest danger to which this country was exposed was to come from the constant encroachment of the Federal Government upon the rights of the individual States. It was customary and fashionable now-a-days to attribute all danger that threatened us to an abuse of Executive power; but he was of opinion that the power of the Executive in this country was not to be dreaded so much as an abuse of the general powers of the Government. The Executive, comparatively, could do no harm; for, whenever the Executive of this land should dare to grasp the power which the constitution never conferred upon him, he, watched as he was by millions of vigilant eyes, would receive a severe rebuke, if he were not hurled from his office. And how was it that the General Government would encroach upon the rights of the States? Would it come armed with power, and accomplish that end by force? No; on the contrary, the Federal Government arrays herself in the garb of a patron and protector, and thus she strikes at the root of State rights: not by threa tening their liberties, but by extending to them her protection. In this he foresaw great danger, and he would keep the greater good by refusing the lesser. Otherwise, it would be as if a seventy-four" were permitted to run down and swamp her own boats.

"that the Committee on Commerce shall hereafter be called the Committee on Commerce among the States," and shall have charge of all questions touching the regulation of trade among the several States of the Union. There shall also be added to the standing committees of the House a committee, to be composed of nine members, which shall be called the Committee on Commerce with Foreign Nations. It shall have charge of all questions concerning the regulation of the trade of the United States with foreign nations.

Now, if the General Government possessed the power which the gentleman from Indiana (Mr. C. B. Smith) contended it had over internal improvements, it might be necessary to appoint a committee such as was here proposed; but while he was rejoiced to hear the gentleman from plainly lay down his broad proposition, he thought the country would not sanction it, and therefore he could not assent to this resolution. It seemed to him that the apprehension of the gentleman from South Carolina (Mr. RHETT) was correct, and that this resolution had been introduced for the express purpose of opening the broad question and enabling a to enforce the doctrine of internal improvement. He was willing to entrust the whole matter to the the United States, but never, with the broad principles of justice, of equity, and of right before them—principles such as (Mr. RHETT)-could they trample on the rights of the individual States. He repeated that he was glad the gentleman from Indiana had shown his hand; and to what, he asked, any river, lake, and stream, whether the States were willing or not? The gentleman from Indiana had said that it was not every pairty stream that was to receive the attention of this Government; but who told him whether any particular stream was paltry or not? Was it the magnitude of a stream which gave to the Government its constitutional power Might not lesser streams sometimes be infinitely more important than others that were greater? Might not some small harbors be of more importance to the commerce of the country

But he wanted no such committee as was here proposed, for other reasons. Look again at the terms of this res and then let them ask the selves if this committee, after fatiguing itself with inquiring how much corn, tobacco, and other produce had been traded off from the several States, might not find other employment for itself? It required no spirit of prophecy to foretell the consequences. A black cloud might already be found in the horizon, and he wanted no committee by whose wind and thunder that black cloud might be brought

VETO OF THE RIVER AND HARBOR BILL. A message was here received from the President of the United States, which, the debate having been suspended for the purpose of reading it-

The SPEAKER laid before the House as follows WASHINGTON, DECEMBER 15, 1847.

To the House of Representatives:

On the last day of the last session of Congress, a bill, en titled "An act to provide for continuing certain works in the Territory of Wisconsin, and for other purposes," which had passed both Houses, was presented to me for my approval. I entertained insuperable objections to its becoming a law; but the short period of the session which remained afforded me no

sufficient opportunity to prepare my objections, and commu-nicate them, with the bill, to the House of Representatives, in which it originated. For this reason the bill was retained and I deem it proper now to state my objections to it.

Although, from the title of the bill, it would seem that its main object was to make provision for continuing certain

works already commenced in the Territory of Wisconsin, it appears, on examination of its provisions, that it contains only thousand dollars to be applied appropriation of six within that Territory, while it appropriates more than half a million of dollars for the improvement of numerous harbors and rivers lying within the limits and jurisdiction of several of the States of the Union.

At the preceding session of Congress it became my duty to return, with my objections, to the House in which it origionted, a bill making similar appropriations, and involving like principles, and the views then expressed remain un

The circumstances under which this heavy expenditure of publiomoney was proposed were of imposing weight in determining upon its expediency. Congress had recognised the existence of war with Mexico, and to prosecute it to "a speedy and successful termination" had made appropriations exceeding our ordinary revenues. To meet the emergency, and provide for the expenses of the Government, a loan of twenty-three millions of dollars was authorized at the same session, which has since been negotiated. The practical effect of this bill, had it become a law, would have been to add the whole amount appropriated by it to the national debt. It would, in fact, have made necessary an additional loan to that amount, as effectually as if in terms it had required the Secretary Treasury to borrow the money therein appropriated. The main question in that aspect is, whether it is wise, while all the means and credit of the Government are needed to bring the existing war to an honorable close, to impair the one and endanger the other by borrowing money to be expended in a system of internal improvements capable of an expansion sufficient to swallow up the revenues not only of our own country, but of the civilized world. It is to be apprehended that, by entering upon such a career at this moment, confidence, at home and abroad, in the wisdom and prudence of the Goernment, would be so far impaired as to make it difficult, without an immediate resort to heavy taxation, to maintain the public credit and to preserve the honor of the nation and the glory of our arms, in prosecuting the existing war to a suc-cessful conclusion. Had this bill become a law, it is easy to

inlets, and rivers, of equal importance with those embraced by its provisions. Many millions would probably have been added to the necessary amount of the war debt, the annual interest on which must also have been borrowed, and finally a permanent national debt been fastened on the country and entering the constitution of the constitution provides that "no State shall, without the The constitution provides that "no State shall, without the

tailed on posterity.

The policy of embarking the Federal Government in a general system of internal improvements had its origin but little nore than twenty years ago. In a very few years the applifor their legitimate objects, by which he was enabled to extin-guish the then existing public debt, and to present to an adguish the then existing public debt, and to present to an admiring world the unprecedented spectacle in modern times of a nation free from debt, and advancing to greatness with unequalled strides, under a Government which was content to act within its appropriate sphere in protecting the States and individuals in their own chosen career of improvement and of enterprise. Although the bill under consideration proposes well calculated at once to secure to the States a reasonable discretion in providing for the conveniency of their imports and exports, and to the United States a reasonable check the difference in principle or mischievous tendency between no appropriation for a road or canal, it is not easy to perceive the difference in principle or mischievous tendency between appropriations for making roads and digging canals and appropriations to deepen rivers and improve harbors. All are alike within the limits and jurisdiction of the States, and rivers and harbors alone open an abyss of expenditure sufficient to swallow up the wealth of the nation, and load is with a date which may fetter its energies and tax its industry for ages to

The experience of several of the States, as well as that the United States, during the period that Congress exercised the power of appropriating the public money for internal im-provements, is full of eloquent warnings. It seems impossible in the nature of the subject, as connected with local represer tation, that the several objects presented for improvement shall be weighed according to their respective merits, and appropriations confined to those whose importance would justify a tax on the whole community to effect their accomplishment. In some of the States systems of internal improvements have been projected, consisting of roads and canals, many of the states are to be a state of the states.

which, taken separately, were not of sufficient public imporance to justify a tax on the entire population of the State to effect their construction; and yet, by a combination of local interests, operating on a majority of the Legislature, the whole have been authorized, and the States plunged into heavy debts. To an extent so ruinous has this system of leon been carried in some portions of the Union, that the people have found it necessary to their own safety and prosperity to forbid their Legislatures, by constitutional restric-tions, to contract public debts for such purposes without their immediate consent.

If the abuse of power has been so fatal in the States where the systems of taxation are direct, and the representatives responsible at short periods to small masses of constitu ents, how much greater danger of abuse is to be apprehended in the General Government, whose revenues are rais direct taxation, and whose functionaries are responsible to the people-in larger masses and for longer terms

Regarding only objects of improvement of the nature of those embraced in this bill, how inexhaustible we shall find; them. Let the imagination run along our coast, from the river St. Croix to the Rio Grande, and trace every river emp tying into the Atlantic and Gulf of Mexico to its source let it coast along our lakes and ascend all their tributaries; le it pass to Oregon, and explore all its bays, inlets, and streams, and then let it raise the curtain of the future, and contemplat the extent of this Republic, and the objects of improvement it will embrace, as it advances to its high destiny, and the mind will be startled at the immensity and danger of the power which the principle of this bill involes.

Already our Confederacy consists of twenty nine States.

Other States may at no distant period be expected to be formed on the west of our present settlements. ive country in Oregon, stretching many hundreds of mile from east to west, and seven degrees of latitude from south to By the admission of Texas into the Union we have recently added many hundreds of miles to our seacoast. In all this vast country, bordering on the Atlantic and Pacific, here are many thousands of bays, inlets, and rivers equally entitled to appropriations for their improvement with the objects embraced in this bill.

We have seen in our States that the interests of individuals or neighborhoods, combining against the general interest, have nvolved their Governments in debts and bankruptcy; and when the system prevailed in the General Government, and President Jackson, it had begun to be con sidered the highest merit in a member of Congress to be able to procure appropriations of public money to be expended rict or State, whatever might be the object should be blind to the experience of the past if we did not see abundant evidences that, if this system of expenditure is to be indulged in, combinations of individual and local interests will be found strong enough to control legislation, absorb the revenues of the country, and plunge the Government into a hopeless indebtedness.

What is denominated a harbor by this system does not ne cessarily mean a bay, inlet, or arm of the sea on the ocean or on our lake shores, on the margin of which may exist commercial city or town engaged in foreign or domestic trade, out is made to embrace waters where there is not only no such city or town, but no commerce of any kind. By it a bay or sheet of shoal water is called a harbor, and appropriations ed a law levying a tonnage duty on vessels, "to be applied to to draw demanded from Congress to deepen it, with a view commerce to it, or to enable individuals to build up a town or city on its margin, upon speculation, and for their own pri-

wate advantage. ... What is denominated a river, which may be improved, i the system, is equally undefined in its meaning. It may be the Mississippi, or it may be the smallest and most obscure and unimportant stream bearing the name of river which o be found in any State in the Union.

Such a system is subject, moreover, to be perverted to th accomplishment of the worst of political purposes. During the few years it was in full operation, and which immediately preceded the veto of President Jackson of the Maysville road bill, instances were numerous of public men seeking to gain popular favor by holding out to the people interested in paricular localities the promise of large disbursements of public money. Numerous reconnoissances and surveys were made during that period for roads and canals through many parts of the Union, and the people in the vicinity of each were led to believe that their property would be enhanced in value and they themselves be enriched by the large expenditures which they themselves be they were promised by the advocates of the system should be nade from the Federal Treasury in their neighborhood. Whole sections of the country were thus sought to be influenced, and the system was fast becoming one not only of profuse and wasteful expenditure, but a potent political engine.

If the power to improve a harbor be admitted, it is not easy how the power to deepen every inlet on the ocean or the lakes, and make harbors where there are none, can be denied. If the power to clear out or deepen the channel of rivers near their mouths be admitted, it is not easy to perceive how the power to improve them to their fountain head and make them navigable to their sources can be denied. Where shall the exercise of the power, if it be assumed, stop? Has Congress the power, when an inlet is deep enough to admit a schooner, to deepen it still more so that it will admit ships of heavy burden; and has it not the power, when an inlet will admit a boat, to make it deep enough to admit a schooner? May it improve rivers deep enough already to float ships and steamboats, and has it no power to improve those which are navigable only for flat-boats and barges? May the General ernment exercise power and jurisdiction over the soil of State consisting of rocks and sand bars in the beds of its rivers, and may it not excavate a canal around its waterfalls of

across its lands for precisely the same object?

Giving to the subject the most serious and candid consider ration of which my mind is capable, I cannot perceive any in termediate grounds. The power to improve harbors and riv ers for purposes of navigation, by deepening or clearing out, by dams and sluices, by locking or canalling, must be admitled without any other limitation than the discretion of Cor gress, or it must be denied altogether. If it be admitted, how broad and how susceptible of enormous abuses is the power thus vested in the General Government? There is not an inlet of the ocean or the lakes, not a river, creek, or streamlet within the States, which is not brought for this purpose within

the power and jurisdiction of the General Government. Speculation, disguised under the cloak of public good, wi call on Congress to deepen shallow inlets, that it may build up new cities on their shores, or to make streams navigable which Nature has closed by bars and rapids, that it may sel at a profit its lands upon their banks. To enrich neighbo hoods by spending within it the moneys of the nation, will be the aim and boast of those who prize their local interests above the good of the nation, and millions upon millions will be ab stracted by tariffs and taxes from the earnings of the whol people to foster speculation and subserve the objects of private

Such a system could not be administered with any approto equality among the several States and sections of the Union There is no equality among them in the objects of expenditure, and, if the funds were distributed according to the merit of those objects, some would be enriched at the expense of their neighbors. But a greater practical evil would be found in the art and industry by which appropriations would be sought and obtained. The most artful and industrious would be the most successful; the true interests of the country would be lost sight of in an annual scramble for the contents of the Treasury; and the member of Congress who could procure the largest appropriations to be expended in his district would claim the rewards of victory from his enriched constituents. The necessary consequence would be, sectional discontents and heartburnings, in creased taxation, and a national debt, never to be extinguished.

In view of these portentous consequences, I cannot but think that this course of legislation should be arrested, even were there nothing to forbid it in the fundamental laws of our Union.

"consent" of Congress such duties may be levied, collected, and expended by the States. We are not left in the dark more than twenty years ago. In a very few years the applications to Congress for appropriations in furtherance of such objects exceeded two hundred millions of dollars. In this alarming crisis President Jackson refused to approve and sign the Maysville road bill, the Wabash river bill, and other bills of similar character. His interposition put a check upon the new policy of throwing the cost of local improvements upon the National Treasury, preserved the revenues of the nation for the history preserved the revenues of the nation in the debates, and among them the sup-

gainst the abuse of this discretion."

The States may lay tonnage duties for clearing harbors, im

proving rivers, or for other purposes, but are restrained from abusing the power, because, before such duties can take effect, the "consent" of Congress must be obtained. Here is a sare provided to the States, and in the aid they may derive reserved powers of the States, and in the aid they may derive from duties of tonnage levied with the consent of Congress Its safeguards are, that both the State Legislatures and Congress have to concur in the act of raising the funds; that they are in every instance to be levied upon the commerce of these ports which are to profit by the proposed improvement; that no question of conflicting power or jurisdiction is involved; that the expenditure being in the hands of those who are to pay the money and be immediately benefited, will be mo carefully managed and more productive of good than if the funds were drawn from the national Treasury and disbursed by the officers of the General Government; that such a sys will carry with it no enlargement of Federal power an patronage, and leave the States to be the sole judges of their wn wants and interests, with only a conservative negative in Congress upon any abuse of the power which the States may

Under this wise system the improvement of harbors and ivers was commenced, or rather continued, from the organization of the Government under the present constitution. acts were passed by the several States levying duties of tonnage, and many were passed by Congress giving their consen to those acts. Such acts have been passed by Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, North Caro lina, South Carolina, and Georgia, and have been sanctioned by the consent of Congress. Without enumerating them all, may be instructive to refer to some of them, as illustrative of the mode of improving harbors and rivers in the early peiods of our Government, as to the constitutionality of which here can be no doubt.

In January, 1790, the State of Rhode Island passed a law vying a tonnage duty on vessels arriving in the port of Pro vidence, " for the purpose of clearing and deepening the chanel of Providence river, and making the same more naviga-

On the 2d of February, 1798, the State of Massach assed a law levying a tonnage duty on all vessels, whether mployed in the foreign or coasting trade, which might enter the Kennebunk river, for the improvement of the same, "rendering the passage in and out of said river less diffi-On the 1st of April 1805, the State of Pennsylvania pas

law levying a tonnage duty on vessels, "to remove the obactions to the navigation of the river Delaware, below the city of Philadelphia. On the 23d of January, 1804, the State of Virginia passed

law levying a tonnage duty on vessels, "for improving the navigation of James river." On the 22d of February, 1826, the State of Virginia pa's

ed a law levying a tonnage duty on vessels, for improving the navigation of James river, from Warwick to Rockett's

On the 8th of December, 1824, the State of Virginia pas ed a law levying a tonnage duty on vessels, for "improving the navigation of Appomatox river, from Pocahontas bridge t Broadway.'

In November, 1821, the State of North Carolina passed law levying a tonnage duty on vessels, "for the purpose of opening an inlet at the lower end of Albemarle Sound, near a slace called Nag's Head, and improving the navigation of said sound, with its branches;" and in November, 1828, an mendatory law was passed. On the 21st of December, 1804, the State of South Car

na passed a law levying a tonnage duty, for the purpose "building a marine hospital in the vicinity of Charleston; and on the 17th of December, 1816, another law was passed by the Legislature of that State for the "mainter marine hospital. On the 10th of February, 1787, the State of Georgia pas

ed a law levying a tonnage duty on all vessels entering into the port of Savannah, for the purpose of "clearing" the Savannah river of "wrecks and other obstructions"

the payment of the fees of the harbor-master and health officer ports of Sayannah and St. Mary's.

In April, 1783, the State of Maryland passed a law lay a tonnage duty on vessels, for the improvement of the "bain" and "harbor" of Baltimore and the "river Patapsco." On the 26th of December, 1791, the State of Maryland

passed a law levying a tonnage duty on vessels, for the im-provement of the "harbor and port of Baltimore."

On the 28th of December, 1793, the State of Maryland passed a law authorizing the appointment of a health officer for the port of Baltimore, and laying a tonnage duty on vessels to defray the expenses.

Congress have passed many acts giving its "consent"

these and other State laws, the first of which is dated in 1790, and the last in 1843. By the latter act the "consent" Congress was given to the law of the Legislature of the State of Maryland, laying a tonnage duty on vessels for the improve ment of the harbor of Baltimore, and continuing it in fore until the 1st day of June, 1850. I transmit herewith copies of such of the acts of the Legislatures of the States on the subect, and also the acts of Congress giving its "consent" thereto, as have been collated. That the power was constitutionally and rightfully exercised

in these cases does not admit of a doubt.

The injustice and inequality resulting from conceding the power to both Governments is illustrated by several of the acts enumerated. Take that for the improvement of the harbor of Baltimore. That improvement is paid for exclusively by a tax on the commerce of that city; but if an appropriation be made from the National Treasury for the improvement of the harbor of Boston, it must be paid in part out of taxes levied on the commerce of Baltimore. The result is, that the con merce of Baltimore pays the full cost of the harbor impro ment designed for its own benefit, and, in addition, contrioutes to the cost of all other harbor and river improveme the Union. The facts need but be stated to prove the ine quality and injustice which cannot but flow from the practice embodied in this bill. Either the subject should be left as it was during the first third of a century, or the practice of levying tonnage duties by the States should be abandoned alto-gether, and all harbor and river improvements made under the authority of the United States, and by means of direct apopriations. In view not only of the constitutional diffic onnage duties on vessels navigating their waters as their re

but as a question of policy, I am clearly of opinion that spective Legislatures may think proper to propose and Congress see fit to sanction. This "consent" of Congress would never be refused in any case where the duty proposed to be evied by the State was reasonable, and when improvement was one of importance. The funds required for the improvement of harbors and rivers may be raised in this mode, as was done in the earlier periods of the Govern ent, and thus avoid a resort to a strained construction of the constitution, not warranted by its letter. If direct appropriations be made of the money in the Federal Treasury for such urposes, the expenditures will be unequal and unjust. The ople of the United States, and if applied to the purposes oving harbors and rivers, it will be partially distributed d be expended for the advantage of particular States, see us, or localities, at the expense of others.

By returning to the early and approved construction of .t constitution, and to the practice under it, this inequality and plustice will be avoided, and, at the same time, all the really portant improvements be made, and, as our experience ha roved, be better made, and at less cost, than they would by the agency of officers of the United States. The interest nefited by these improvements, too, would bear the cost making them, upon the same principle that the expenses Post Office establishment have always been defrayed nose who derive benefits from it. The power of appropria ing money from the Tressury for such improvements was nelaimed or exercised for more than thirty years after the o canization of the Government in 1789, when a more latitud as construction was indicated, though it was not broad sserted and exercised until 1825. Small appropriations we first made in 1820 and 1821 for surveys. An act was made on the 3d of March, 1823, authorizing the President to causan "examination and survey to be made of the obstruction between the harbor of Gloucester and the harbor of Squam, in the State of Massachusetts," and of "the entrance of the harbor of the port of Presque Isle, in Pennsylvania," with view to their removal, and a small appropriation was made to pay the necessary expenses. This appears to have been the commencement of harbor improvements by Congress, thirty-

the conflicting and distinct interests, which the proposed separation would create, would lead to divisions which he wished
to dvoid. The Committee on Commerce has now as much
jurisdiction over internal improvements as the Committee on
jurisdiction over internal improvements as the Committee on
the conflicting and distinct interests, which the proposed separation would create, would lead to divisions which he wished
would have been made at each succeeding session of Congreen to four years after the Government any right of jurisdiction over their soil,
and in the constitution of the States may be improved—a process not susceptible of the
passed making an appropriation of the power
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Congress to such places as might be "purchased with the consent of the States in which the same shall be for the erection
sent of the States in which the same shall be for the erection

This conclusion is fortified by the fact that the constitution over their soil,
and in the constitution of the beautiful or the improvement of the states a process by which harbors and rivers within
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congress to such places as might be "purchased with the consent of the States in which the same shall be for the erection of the states in which the same shall be for the erection of the states in which the same shall be conducted.

The confidence of national importance, in a commercial or militaty point of view, or necessary for the transportation of the mails." This ac widently looked to the adoption of a general system of internal improvements, to embrace roads and canals as well as har On the 26th May, 1824, an act was pass making appropriations for "deepening the channel leadin into the harbor of Presque Isle, in the State of Pennsylvania, and to "repair Plymouth Beach, in the State of Massachusetts, and thereby prevent the harbor at that place from be President Monroe yielded his approval to these measure

though he entertained, and had, in a message to the House of Representatives on the 4th of May, 1822, expressed the opinion that the constitution had not conferred upon Congress the power to "adopt and execute a system of internal improvements." He placed his approval upon the ground, not that Congress possessed the power to "adopt and execute" such a system by virtue of any or all of the enumerated grants of power in the constitution, but upon the assumption that the power to make appropriations of the public money was limited and restrained only by the discretion of Congress. In coming to this conclusion he avowed that "in the more early stage the Government" he had entertained a different opinion. He avowed that his first opinion had been, that, " as the National Government is a government of limited powers, it has no right to expend money except in the performance of acts authorized e other specific grants, according to a strict construction of their powers;" and that the power to make appropriation gave to Congress no discretionary authority to apply the pul he money to any other purposes or objects except to "carry into effect the powers contained in the other grants." These sound views, which Mr. Monroe entertained "in the early stage of the Government," he gave up in 1822, and declar

"The right of appropriation is nothing more than a right "The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress could do under it, in the case of internal improvements, would be to appropriate the money necessary to make them. For any ast requiring legislative sanction or support the State authority must be relied on. The condemnation of the land if the proprietors should reluse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished, must be done by the State. To these purposes the powers of the General Government are believed to be utterly incompetent."

But it is impossible to conceive on what principle the power

But it is impossible to conceive on what principle the por of appropriating public money when in the Treasury can be construed to extend to objects for which the constitution does not authorize Congress to levy taxes or imposts to raise mo ney. The power of appropriation is but the consequence of the power to raise money; and the true inquiry is, whether Congress has the right to levy taxes for the object over which

power is claimed.

During the four succeeding years embraced by the admini ration of President Adams the power not only to appropriate money, but to apply it, under the direction and authority of the General Government, as well to the construction of roads as to the improvement of harbors and rivers, was fully assert ed and exercised.

Among other acts assuming the power, was one passed or the twentieth of May, 1826, entitled "An act for improving certain harbors and the navigation of certain rivers and creeks and for authorizing surveys to be made of certain bays, sounds, and rivers therein mentioned." By that act large appropriations were made, which were to be "applied under the direction of the President of the United States" to numerous improvements in ten of the States. This act, passed thirty-seven rears after the organization of the present Government, conned the first appropriation ever made for the improvemen of a navigable river, unless it be small appropriation aminations and surveys in 1820. During the residue of that Administration many other appropriations of a similar characteristics. ter were made, embracing roads, rivers, harbors, and canals and objects claiming the aid of Congress multiplied without number.

This was the first breach effected in the barrier which th univeral opinion of the framers of the constitution had for more than thirty years thrown in the way of the assumption of this Congress. The general mind of Congress and the country did not appreciate the distinction taken by President Monroe between the right to appropriate money for an object and the right to apply and expend it without the embarrass ment and delay of applications to the State Governments Probably no instance occurred in which such an application was made, and the flood-gates being thus hoisted, the principle laid down by him was disregarded, and applications for aid improve them, clear out rivers, out canals, and construct roads poured into Congress in torrents until arrested by the veto of President Jackson. His veto of the Maysville road bill was followed up by his refusal to sign the "act making appropriations for building lighthouses, lighthoats, beacon and monuments, placing buoys, improving harbors, and d "an act authorizing subscription for stock recting surveys; in the Louisville and Portland Canal Company ;" " an act for the improvement of certain harbors and the navigation of certain rivers;" and finally "an act to improve the navigation of the Wabash river." In his objections to the act last named ers;" and finally "an act to improve the navigation

"The desire to embark the Federal Government in works of internal improvement prevailed, in the highest degree, during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing Maysville and Lexington Turnpike Company passed the two Houses, there had been reported by the Committees on In-ternal Improvements hills containing appropriations for such harbors and lighthouses, to the amount of about one hundred and six millions of dollars. In this amount was included authority to the Secretary of the Treasury to subscribe for the stock of different companies to a great extent, and the reside was principally for the direct construction of roads by the Government. In addition to these projects, which have bee presented to the two Houses under the sanction and reconmendation of their respective Committees on Internal Im-provements, there were then still pending before the commit es, and in memorials to Congress, presented but not refer red, different projects for works of a similar character, the expense of which cannot be estimated with certainty, but mus have exceeded one hundred millions of dollars."

Thus, within the brief period of less than ten years after the commencement of internal improvements by the General Government, the sum asked for from the Treasury for various projects amounted to more than two hundred millions of do President Jackson's powerful and disinterested appeals to his country appear to have put down forever the assi tion of power to make roads and cut canals, and to have checked the prevalent disposition to bring all rivers in any de gree navigable within the control of the General Government But an immense field for expending the public money and in creasing the power and patronage of this Government was left open in the concession of even a limited power of Congress to improve harbors and rivers—a field which million will not fertilize to the satisfaction of those local and speculating interests by which these projects are in general gotten up. There cannot be a just and equal distribution of public burdens and benefits under such a system, nor can the States b relieved from the danger of fatal encroachment, nor the Uni ted States from the equal danger of consolidation, otherwise than by an arrest of the system and a return to the doctrines and practices which prevailed during the first thirty years of

the Government. How forcibly does the history of this subject illustrate the tendency of power to concentration in the hands of the General Government. The power to improve their own harbors and rivers was clearly reserved to the States, who were to be aided by tonnage duties levied and collected by themselves, e consent of Congress. For thirty-four years improve with th ments were carried on under that system, and so careful was Congress not to interfere, under any implied power, with the soil or jurisdiction of the States, that they did not even assume the power to crect lighthouses or build piers withou first purchasing the ground, with the consent of the States, and obtaining jurisdiction over it. At length, after the lapse of thirty-three years, an act is passed providing for the exami nation of certain obstructions at the mouth of one or two arbors almost unknown. It is followed by acts making small appropriations for the removal of those obstructions. les interposed by President Monroe, after conceding the power to appropriate, were soon swept away. Congress vir-tually assumed jurisdiction of the soil and waters of the States, without their consent, for the purposes of internal imrovement, and the eyes of eager millions were turned from he State Governments to Congress as the fountain whose golden streams were to deepen their harbors and rivers, level neir mountains, and fill their valleys with canals. onsequences this assumption of power was rapidly leading shown by the voto messages of President Jackson; and to what end it is again tending is witnessed by the provisions of

this bill and bills of similar character.

In the preceedings and debates of the General Convention ed the constitution, and of the State Conventions which adopted it, nothing is found to countenance the idea hat the one intended to propose, or the others to concede, uch a grant of power to the General Government as the ing up and maintaining of a system of internal improv ents within the States necessarily implies. Whatever the ceneral Government may constitutionally create, it may lawilly protect. If it may make a road upon the soil of the states, it may protect it from destruction or injury by penal aws. So of canals, rivers, and harbors. If it may put a dam in a river, it may protect that dam from removal or injury, in direct opposition to the laws, authorities, and people the State in which it is situated. If it may deepen a har or, it may by its own laws protect its agents and contracters iven from their work, even by the laws and au thorities of the State. The power to make a road or canal or to dig up the bottom of a harbor or river, implies a right the soil of the State, and a jurisdiction over it, for which i would be impossible to find any warrant.

The States were particularly jealous of conceding to the

present constitution. On the 30th April, 1824, an act was passed making an appropriation of thirty thousand dollars, and directing "surveys and estimates to be made of the routes of such roads and canals" as the President "may deem of of forts, magazines, dock-yards, and other needful buildings." of forts, magazines, dock-yards, and other needful buildings. That the United States should be prohibited from purchasing lands within the States, without their consent, ex most essential purposes of national defence, while left at liberty to purchase or seize them for roads, canals, and other imrovements of immeasurably less importance, is not to be con-

A proposition was made in the Convention to provide for The appointment of a "Secretary of Domestic Affairs," and make it his duty, among other things, "to attend to the opening of roads and navigation, and the facilitating communications through the United States." It was referred to a committee, and that appears to have been the last of it. On a subsequent occasion a proposition was made to confer on Con-gress the power to "provide for the cutting of canals when deemed necessary," which was rejected by the strong majority of eight States to three. Among the reasons given for the rejection of this proposition, it was urged that "the expense in such cases will fall on the United States, and the benefits accrue to the places where the canals may be cut."

made to enlarge the proposed power "for cutting canals" into a power "to grant charters of incorporation, when the interest of the United States might require, and the legislative provisions of the individual States may be incompetent;" and the reason assigned by Mr. Madison for the proposed en largement of the power was, that it would "secure an easy communication between the States which the free intercourse now to be opened seemed to call for. The political obstacles being removed, a removal of the natural ones, as far as possible, ought to follow."

The original proposition and all the amendments were rejected, after deliberate discussion, not on the ground, as so much of that discussion as has been preserved indicates, that no direct grant was necessary, but because it was deemed inexpedient to grant it at all. When it is considered that some of the members the Convention, who afterwards participated in the organization and administration of the Government, advocated and practised upon a very liberal construction of the constitution, grasping at many high powers as implied in its various proviions, not one of them, it is believed, at that day clair power to make roads and canals, or improve rivers and harbars, or appropriate money for that purpose. Among our early statesmen of the strict construction class the opinion was universal, when the subject was first broached, that Congress did not possess the power, although some of them thought i desirable

President Jefferson, in his message to Congress in 1806. recommended an amendment of the constitution, with a view to apply an anticipated surplus in the Treasury "to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvements as it may be thought proper to add to the constitutional enumeration of the federal powers;" and he adds: "I suppose an amend ment to the constitution, by consent of the States, necessary because the objects now recommended are not among those enumerated in the constitution, and to which it permits the public moneys to be applied." In 1825, he repeated, in his published letters, the opinion that no such power has conferred upon Congress.

President Madison, in a message to the House of Repre

President Madison, in a message to the House of Represen-tatives of the 3d of March, 1817, assigning his objections to a bill entitled "An act to set apart and pledge certain funds for internal improvements," declares that "the power to regu-late commerce among the several States cannot include a power to construct roads and canals, and to improve the navigation of water-courses, in order to facilitate, promote, and secure such commerce, without a latitude of tion departing from the ordinary import of the terms, strengthened by the known inconveniences which doubt led to the grant of this remedial power to Congress.'

President Monroe, in a message to the House of Repre sentatives of the 4th of May, 1822, containing his objections bill entitled "Arr act for the preservation and repair of the Cumberland road," declares :

"Commerce between independent powers or s universally regulated by duties and imposts. is universally regulated by duties and imposts. It was so regulated by the States before the adoption of this constitution, equally in respect to each other and to foreign Powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations, and to prevent any on the trade between the States, was the

and to prevent any on the trade between the States, was the only power granted.

"If we reem to the causes which produced the adoption of this constitution, we shall find that injuries resulting from the regulation of trade by the States respectively, and the advantages anticipated from the transfer of the power to Congress, were among those which had the most weight. Instead of actions a particular transfer of the power to States indicates a particular transfer of the power to Congress. were among those which had the most weight. Instead of acting as a nation in regard to foreign Powers, the States, individually, had commenced a system of restraint on each other, whereby the interests of foreign Powers were promoted at their expense. If one State imposed high duties on the goods or vessels of a foreign Power to countervail the regulations of such Power, the next adjoining States imposed lighter duties to invite those articles into their ports, that they might be transferred thence into the other States, securing the duties to themselves. This contracted policy in some of the Statewas soon counteracted by others. Restraints were immediately laid on such commerce by the suffering States; and thus had grown up a state of affairs disorderly and unnatural, the tendency of which was to destroy the Union itself, and with it all hope of realizing those blessings which we had anticipated from the glorious revolution which had been so recently achieved. From this deplorable dilemma, or rather certain ruin,

from the glorious revolution which had been so recently achieved. From this deplorable dilemma, or rather certain ruin, we were happily rescued by the adoption of the constitution.

"Among the first and most important effects of this great revolution was the complete abolition of this pernicious policy. The States were brought together by the constitution, as to commerce, into one community, equally in regard to foreign nations and each other. The regulations that were adopted regarded us in buth respects as one reach. The detries are income. posts that were laid on the vessels and merchandise of foreign nations were all uniform throughout the United States, and in the intercourse between the States themselves no duties of any kind were imposed other than between different ports and counties within the same States.

ounties within the same State.

"This view is supported by a series of measures, all of a marked character, preceding the adoption of the constitution. As early as the year 1781 Congress recommended it to the States to vest in the United States a power to levy a duty of five per cent. on all goods imported from foreign countries into the United States for the term of fifteen years. In 1783 this recommendation, with alterations as to the kind of duties and an extension of this term to twenty-five years, was repeated and more earnestly urged. In 1784 it was recommended to the States to authorize Congress to prohibit, under certain modifications, the importation of goods from foreign Powers into the United States for fifteen years. In 1785 the consideration of the subject was resumed, and a proposition presented in a new form, with an address to the States explaining fully the principles on which a grant of the power to regulate trade was deemed indispensable. In 1786 a meeting took place at Annapolis of delegates from several of the States on this subject, and on their report the convention was formed at Philadelphia the ensuing year from all the States, to whose deliberations we are indebted for the present constitution.

"In none of these measures was the subject of internal improvement mentioned or even glanced at. Those of 1784, 5, recommendation, with alterations as to the kind of duties and

provement mentioned or even glanced at. Those of 1784, 5 6, and 7, leading step by step to the adoption of the constitution, had in view only the obtaining of a power to enable Congress to regulate trade with foreign Powers. It is manifes that the regulation of trade with the several States was alto gether a secondary object, suggested by and adopted in con-nexion with the other. If the power necessary to this system of improvement is included under either branch of this grant, I should suppose that it was the first rather than the second. The pretension to it, however, under that branch has never bee set up. In support of the claim under the second no reaso has been assigned which appears to have the least weight.

Such is a brief history of the origin, progress, and cons uences of a system which for more than thirty years after the The greatest emoption of the constitution was unknown. barrassment upon the subject consists in the departure which has taken place from the early construction of the constitution and the precedents which are found in the legislation of Congress in later years. President Jackson, in his veto of the Wabash river bill, declares that "to inherent embarrasse have been added others, from the course of our legislation con cerning it." In his vetoes on the Maysville road bill, the Rockville road bill, the Wabash river bill, and other bills of like character, he reversed the precedents which existed prior to that time on the subject of internal improvements. When our experience, observation, and reflection have convinced us that a legislative precedent is either unwise or unconstitution al, it should not be followed.

No express grant of this power is found in the constitution Its advocates have differed among themselves as to the source from which it is derived as an incident. In the progress of the discussions upon this subject the power to regulate commerce seems now to be chiefly relied upon, especially in reference to the improvement of harbors and rivers.

In relation to the regulation of commerce, the language of the grant in the constitution is, "Congress shall have power to regulate commerce with foreign nations and among the se veral States, and with the Indian tribes." That "to regulate commerce" does not mean to make a road, or dig a canal, or clear out a riser, or deepen a harbor, would seem to be obvious to the common understanding. To "regulate" admir or affirms the pre-existence of the thing to be regulated. It this case it presupposes the existence of commerce, and of course the means by which and the channels through which course the means by commerce is carried on. It confers no creative power ly assumes control over that which may have been brough into existence through other agencies, such as State legisla-tion, and the industry and enterprise of individuals. If the definition of the word "regulate" is to include the provision of means to carry on commerce, then have Congress not only power to deepen harbors, clear out rivers, dig canals, and make roads, but also to build ships, railroad cars, and other vehicles, all of which are necessary to commerce. There is no middle ground. If the power to regulate can be legitimately construed into a power to create or facilitate, then not only the bays and barbors, but the roads and canals, and all the means transporting merchandise among the several States, are put at the disposition of Congress. This power to regulate commerce was construed and exercised immediately after the adop tion of the constitution, and has been exercised to the present day, by prescribing general rules by which commerce should

cing vessels, seamen, cargoes, and passengers. It has been regulated among the States by acts of Congress relating to the coasting trade, and the vessels employed therein, and for the better security of passengers in vessels propelled by steam, and by the removal of all restrictions upon internal trade. It has been regulated with the Indian tribes by our intercourse laws, prescribing the manner in which it shall be carried on. each branch of this grant of power was exercised soon after the adoption of the and has continued to be exercised to the present day. It and ded construction be adopted, it is impossible for the human mind to fix on a limit to the exercise of the power other than the will and discretion of Congress. It sweeps into the vortex of national power and ction not only harbors and inlets, rivers and little streams, but canals, turnpikes, and railroads—every species of improve ment which can facilitate or create trade and intercourse " with foreign nations, among the several States, and with th Indian tribes.

Indian tribes.

Should any great object of improvement exist in our widely-extended country, which cannot be effected by means of tonnage duties, levied by the States, with the concurrence of Congress, it is safer and wiser to apply to the States, in the instrument, whereby the pointion, for an amendment of that may be enlarged, with such limitations and recal Governmen perience has shown to be proper, than to assume and exercise a power which has not been granted, or which may be regarded as doubtful in the opinion of a large portion of our constitu-ents. This course has been recommended successively by Presidents Jefferson, Madison, Monroe, and Jackson, and I fully concur with them in opinion. If an enlargement of power should be deemed proper, it will unquestionably be granted by the States; if otherwise it will be withheld; and, in either case, their decision should be final. In the meatime, I deem it proper to add that the investigation of this subject has impressed me more strongly than ever with the solemn conviction that the usefulness and permanency of this Government, and the happiness of the millions over whomi spreads its protection, will be best promoted by carefully ab taining from the exercise of all powers not clearly granted by the constitution.

JAMES K. POLK.

Before the Clerk had progressed far in the reading of the Mr. CLINGMAN rose and said, he would move that the

reading be dispensed with.

[Cries of "No, no," from the opposite side of the House.]

It was not a veto message, (said Mr. C.;) it was nothing which the House could act upon.

[A voice: It is something that will act upon the House, I

The House not manifesting a disposition to dispense with

the reading—
The motion was waived, and the Clerk continued and con

pleted the reading.

Mr. WENTWORTH moved that the message and accom-

panying documents be referred to the Committee on Commerce.

Mr. VINTON hoped that, instead of taking the direction proposed by the gentleman from Illinois, this message would be referred to a select committee, and that the printing of it would be postponed until the select committee should have had time to make a report upon this important document, so that the message and the reply to it might go out to the country together. In making this suggestion, it was his intention to move that a select committee should be raised, with the request that he bineself should not be placed upon it.

Mr. WENTWORTH would state in relation to the move panying documents be referred to the Committee on Commerce

Mr. WENTWORTH would state, in relation to the motion of the gentleman, that the Committee on Commerce would probably make an adverse report, and then both documents would be printed together. The Committee on Commerce had now nothing before them, and might as well occupy them selves upon that as any thing else.

Mr. VINTON resumed the floor, and proceeded to say tha he was fully aware that the Committee on Commerce, if they had time to do so, would do ample justice to the important subject discussed in this message. He had proposed a select subject discussed in this message. He had proposed a select committee, believing that, from the very elaborate discussion given to the subject by the President of the United States, it would require more time than the Committee on Commerce could bestow upon it. And he agreed with the gentleman from Illinois (Mr. WENTWORTH) that the message answer should go out together.

But he had risen chiefly for the purpose of making a remark

upon one fact which he had heard stated in that message, among the very few things which he could understand; for, although he had listened with all the attention he was able to bestow upon it, yet he had been able to hear but a very small

The message undertakes (said Mr. V.) to prove that if the internal improvements of the country had not been arrested by a former Executive of the United States, the prosecution of its some two hundred millions of dollars or more. Now, that is not the first time that that assertion has been made by the Executive of the United States. I have no doubt that the President of the United States, in making that communication to Congress, and through Congress to the people of the Uni-ted States, believed that what is there stated is accurate and true. But the President of the United States, as I undertake to say, labors under a grievous error, in point of fact, wher he says that the recommendation of appropriations to the amount of two hundred millions was made by the party which was then in power for a series of years. At the very time when the message was communicated to Congress which is alluded to in the present message of the President of the United States, served on the Committee on Internal Improvements. know, sir, what was its policy, what its purposes; and I have at least a general recollection of what it did report and recomlow I undertake to say th enter into the intention of the Committee on Internal Improvements, or of the House of Representatives, or of that portion of the House of Representatives, or of the Congress of the United States who were the supporters of the internal improvements, that it was to involve this country in the first dollar of debt. I undertake to say that there never was a bill reported here that would have rendered it necessary to borrow a dollar of money to carry it into effect. For years, sir, while this system of internal improvements

was under discussion in this House, and appropriations were annually made towards it, it was the duty of the Committee on Internal Improvements, either by addressing a letter to the Secretary of the Treasury or in some other mode, to ascer tain what would be the residuum remaining in the Treasury at the end of the year, after meeting all the appropriations that were required by the Government; and the bills that were reported—that is, the appropriations that were proposed to be made at every session while that system had the favor of this House—the appropriations that were recommended to be made, were always limited within what was ascertained would be the residuum remaining in the Treasury after meeting the other expenses of the Government. And it never was the intention of the friends of internal improvement, it was no part of their desire, there was no advocate on this floor of a system of internal improvements which should be sustained borrowing money and involving the nation in debt. At that time, at the time the act of 1824 was passed to which the President alludes in the present message, the country owed a debt, if I recollect right, of something near one hundred millions of dollars-a small residuum of the debt of the war of the Revolution and the last war with Great Britain. It was passed at a time, said the gentleman from South Carolina. (Mr. Rherr,) this morning, when we were all Federalists and Democrats. If I may characterize that Congress, it was passed at a time when we were all Americans. There was no party in this House; but this body was then composed, it then contained within it a weight of character, and talent, and experience far greater-without intending any disrespect to hose that may be here now-far greater than I have ever seen in this House from that day to this.

The 18th Congress, that passed the internal improvement ill, contained in this body many men who have been great lights in the Union from that day to this. Most of them engaged in the debate of that bill; it was one of the most elab rate debates I ever heard upon this floor; it was free from al party bias. Men formed their opinions with reference to their views of the constitution of the United States, after the most mpartial and deliberate investigation of the powers conferred by it; and it is for that reason that I always respected that law as one of those that were entitled to be considered of vastly greater importance and authority than a bill passed in high party times, in high party excitement, and with reference to some party end. It is an authority with me that no party

Well, sir, it became a law. It directed that surveys and reconnorsances should be made of the United States; o those portions of the country, of those lines of communication that should facilitate commerce among the States in a national point of view, and the transportation of the mail of the pited States, and that should promote the national defences of the country. Under that law, sir, a corps of engineers was employed by Mr. Monroe, the then President of the inited States, at the head of which was an engineer of the highest eminence, Gen. Bernard. His reconnoissances and erence to the military defences of the country than to its internal improvements. This examination was made for the purobtaining for this Government that topographical in emation which would be necessary, not merely soint of view, but to facilitate the trade among the States, as well as the transportation of the mail of the country. It was made, for the most part, not under any special direction of Congress. Occasionally Congress passed a resolution direct-ing a survey to be made; the President of the United States lirected such to be made as he thought proper; and, I believe, in some instances these surveys and examina-tions were made at the request and instance of individual members of this body. But it was never understood by the friends of internal improvement, when they were making these surveys, which were always accompanied by estimates, that they pledged the country to any thing. They were mere pioneers, sent forward into the country for the purpose of ascertaining whether the military defences of the country,